

97CRS 117287

STATE OF NORTH CAROLINA
County of Mecklenburg

File #
Film #

The State of North Carolina

In The General Court of Justice
Superior Court Division

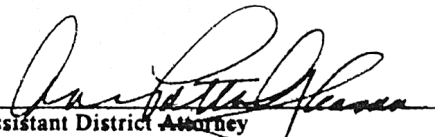
vs.

April 28, 1997

Jeffrey Donald Black
W/M DOB: May 22, 1978
115 Green Street
Charlotte, North Carolina
Defendant.

ROBBERY WITH A DANGEROUS WEAPON
G.S. 14-87 (ATTEMPT)

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 13th day of January, 1997, in Mecklenburg County, Jeffrey Donald Black did unlawfully, wilfully and feloniously attempt to steal, take, and carry away another's personal property, United States currency and cocaine, of value, from the person and presence of Randall Carson James. The defendant committed this act by means of an assault consisting of having in his possession and threatening the use of a firearm, a gun, a dangerous weapon, whereby the life of Randall Carson James was threatened and endangered.


Assistant District Attorney

WITNESSES:

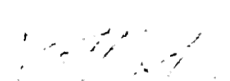
S. D. Furr, CMPD
H. R. Jackson, CMPD

D. E. Phillips, CMPD

The witnesses marked "X" were sworn by the undersigned foreman and examined before the grand jury, and the bill was found to be X a true bill by twelve or more grand jurors not a true bill.

I hereby certify that 15 members of the grand jury concurred in finding this to be a true bill of indictment.

This 28 day of April, 1997


Grand Jury Foreman

ORIGINAL
Charge Number 120200

97-0113-200101
PID 196847

HM

STATE OF NORTH CAROLINA

File No

97CRS 7681, 97CRS 117287

MECKLENBURG

County

CHARLOTTE, N.C.

Seat of Court

In The General Court Of Justice
Superior Court Division

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-301 on DWI offense(s).)

STATE VERSUS

Defendant

JEFFREY DONALD BLACK

Race

White

Sex

M

DOB

05-22-1978

Attorney For State

M GOODENOW & A GLEASON

Def. Found
Not Indigent

Def. Waived
Attorney

Attorney For Defendant

GEORGE V. LAUGHRUN

G.S. 15A-1301, 15A-1340.13

☒ Appointed ☐ Retained

JUDGMENT AND COMMITMENT

ACTIVE PUNISHMENT

FELONY

(STRUCTURED SENTENCING)

The defendant ☒ pled guilty to was found guilty by a jury of pled no contest to

File No (s) And Offense(s)

Date Of Offense

G.S. No.

F/M

CL.

97 CRS 7681-ROBBERY WITH DANGEROUS WEAPON

01-06-1997

14-87

F

D

97 CRS 117287-ATTEMPTED ROBBERY WITH DANGEROUS WEAPON

01-15-1997

14-87

F

D

The Court

- ☒ 1 has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be
2 makes no prior record level finding because none is required for Class A felony,
enhanced firearm penalty, violent habitual felon, or drug trafficking offenses

PRIOR

RECORD LEVEL: ☒ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court

- 1 makes no written findings because the prison term imposed is (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c), (b) for a Class A felony, (c) for enhanced firearm penalty (G.S. 15A-1340.16A),
(d) for an adjudication as a violent habitual felon, G.S. 14-7.12, (e) for drug trafficking offenses
☒ 2 makes the findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
3 imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
4 finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5)
5 adjudges the defendant to be an habitual felon pursuant to Article 2A of G.S. Chapter 14
6 finds enhanced punishment from a Class 1 misdemeanor to a Class 1 felony, G.S. 90-95(n)(3) (drugs), G.S. 14-3(c) (race)
7 finds no Extraordinary Mitigation

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of

for a maximum term of

in the custody of the

Class A Felony

Life Imprisonment Without Parole

Death (see attached Death
Warrant and Certificates)

☒ N.C. DOC.

Sheriff pursuant to G.S. 15A-1352(b).

Other

Class B1 Felony, Life Imprisonment Without Parole

Class B1 Felony, Life Imprisonment Without Parole

The defendant shall be given credit for 169 days spent in the confinement prior to the date of this Judgment as a result of this charge

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below

(NOTE: List case number, date, county and court in which prior sentence imposed.)

check all that apply:

1. The defendant is on probation.

2. The defendant shall pay a fine of \$

The Court recommends:

3. Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h)

4. Psychiatric and/or psychological counseling.

5. Work Release

6. Payment as a condition of post release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below.

Fine

Costs

Restitution

Reimbursement For Atty Fee & Other Expenses Total Amount Due

Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

The Court further recommends

The Court does not recommend:

1. Restitution as a condition of post release supervision or work release

2. Work release

AWARD OF FEE TO COUNSEL FOR DEFENDANT

A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal. The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date

Appellate Presiding Judge Type of Appeal

08-06-1997

RAYMOND A. WARREN

Signature of Presiding Judge

ORDER OF COMMITMENT AFTER APPEAL

Date Appellate Courtmet

Date Withdrawal Of Appeal Filed

Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and return the defendant to the custody of the official named in this Judgment and furnish that official two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date

Signature of Clerk

Deputy CSC

Assistant CSC

Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case.

Appeal Entries (AOC-CR-350)

☒ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)

Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)

Commitment Information Statement (DC-600)

Date

08-06-1997

Date Certified Copies Delivered To Sheriff

3/2/99

Signature And Seal

Carlynn B. Pless

☒ Deputy CSC

Assistant CSC

Clerk Of Superior Court

AOC-CR-605, Side Two
New 10/94

Material opposite unmarked squares is to be disregarded as surplus.